



State of North Carolina
Office of the Governor

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GOV. EASLEY ANNOUNCES TOUGHER DRUNK DRIVING LAWS EFFECTIVE DEC. 1

RALEIGH - Gov. Mike Easley today announced new driving while impaired laws to improve safety on North Carolina highways will be effective Friday, Dec. 1. House Bill 1048, the *Motor Vehicle Driver Protection Act*, was developed and recommended by the Governor's Task Force on Driving While Impaired and sponsored by Rep. Joe Hackney (D, Orange) and Sen. Tony Rand (D, Cumberland), who co-chaired the task force.

"This new law will better protect the public from the dangers of drunk drivers by strengthening existing DWI statutes and making sure they are applied fairly and consistently throughout the state," said Easley. "I commend the task force for its efforts to keep drunk drivers off North Carolina highways and make safe travel a top priority."

The law limits judges' discretion to find a DWI defendant not guilty if the breathalyzer test results show a blood alcohol concentration of .08 or greater. It requires prosecutors to document and report their reasons for dismissing DWI cases, which the Administrative Office of the Courts can post on its web site. It also expands the definition of impaired driving to include the presence of any amount of illegal drugs in the blood.

It also adds to the list of DWI-related crimes, including a new category of charges when an individual who is driving while impaired injures a victim. The law also adds new categories and stiffer penalties for those with DWI convictions who injure or kill others in accidents. The new categories and penalties are:

Felony Serious Injury: A person who unintentionally causes serious injury while driving impaired is guilty of a Class F felony.

Aggravated Felony Serious Injury: A person who intentionally causes serious injury while driving impaired and has an impaired driving conviction within seven years of the offense is guilty of a Class E felony.

Aggravated Felony Death: A person who unintentionally causes the death of another while driving impaired and has an impaired driving conviction within seven years of the offense is guilty of a Class D felony.

Repeat Felony Death by Vehicle Offender: A person who has a previous conviction for causing a death while impaired and is convicted a second time for a felony death by vehicle is subject to punishment under the second degree murder statute, which is a Class B2 felony.